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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

MUSCLEPHARM CORPORATION,

Debtor.

Case No. 22-14422-nmc

Chapter 11

WHITE WINSTON SELECT ASSET
FUNDS, LLC

Plaintiff,

v.

EMPERY TAX EFFICIENT LP, EMPERY
TAX EFFICIENT III, EMPERY DEBT
OPPORTUNITY FUND, LP, EMPERY
MASTER ONSHORE, LLC, IONIC
VENTURES, LLC, INTRACOASTAL
CAPITAL LLC, BIGGER CAPITAL FUND,
LP, DISTRICT 2 CAPITAL FUND LP,
L1 CAPITAL GLOBAL OPPORTUNITIES
MASTER FUND, ALTIVUM GROWTH
FUND, LP, CVI INVESTMENT INC.,
ROTH CAPITAL PARTNERS, LLC, and
WALLEYE OPPORTUNITY MASTER
FUND LTD.

Defendants.

Adversary Case No. 23-01014-nmc

**DECLARATION OF JASON H. ROSELL
IN SUPPORT OF *EX PARTE* MOTION
FOR ORDER SHORTENING TIME TO
HEAR THE *EMERGENCY* MOTION OF
THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS TO
INTERVENE IN ADVERSARY
PROCEEDING**

I, Jason H. Rosell, declare as follows:

1. I am over the age of 18, am mentally competent, have personal knowledge of the facts in this matter, and if called upon to testify, could and would do so. I am an attorney with the law firm of Pachulski Stang Ziehl & Jones LLP, counsel to the Official Committee of Unsecured Creditors

1 appointed in the chapter 11 case of MusclePharm Corporation. I am duly licensed to practice law in
2 the State of California and the State of New York. On January 7, 2023, this Court entered an order
3 [Bankr. Docket No. 119] approving my *Verified Petition* to practice in this chapter 11 case.

4 2. I make this declaration in support of the *Ex Parte Motion for Order Shortening Time*
5 *to Hear the Emergency Motion of the Official Committee of Unsecured Creditors to Intervene in*
6 *Adversary Proceeding* (the “Motion to Shorten”), filed contemporaneously herewith.

7 3. The factual statements contained in the Motion to Shorten are true and accurate and
8 incorporated herein by reference. For the reasons stated in the Motion to Shorten, I believe sufficient
9 cause exists for an order shortening time for this Court to set an emergency hearing to resolve the
10 Motion to Intervene.

11 4. Thus, the Committee requests an emergency hearing on the Motion to Intervene by **no**
12 **later than March 31, 2023, or sooner if at all possible.**

13 5. On March 27, 2023, I asked the Debtor, White Winston, and Empery, via email, to
14 consent to the relief requested in the Motion to Shorten. The Debtor and White Winston responded
15 via email with their consent. However, Empery responded that it does not consent to a hearing on less
16 than six (6) business days’ notice.

17 6. I previously requested via email on March 23, 2023 that Empery consent to the
18 Committee’s intervention in the Adversary Proceeding.

19 7. I anticipate that the hearing on the Motion to Intervene will take less than thirty (30)
20 minutes.

21 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United
22 States that the foregoing is true and correct to the best of my knowledge.

23 Dated: March 28, 2023

24 /s/ Jason H. Rosell
Jason H. Rosell